

ASSEMBLY BILL

No. 1833

Introduced by Assembly Member Maldonado
(Coauthor: Senator O’Connell)

February 3, 2000

An act to amend Section 4536 of the Penal Code, relating to mentally disordered offenders.

LEGISLATIVE COUNSEL’S DIGEST

AB 1833, as introduced, Maldonado. Mentally disordered offenders: escape and notice.

Existing law penalizes escape from a state hospital or other public or private mental health facility when a person is committed upon a finding of not guilty by reason of insanity, or is committed as a mentally disordered sex offender. Procedures of notification are provided when a person escapes from a mental health facility who has been committed upon a finding of not guilty by reason of insanity, or committed as a mentally disordered sex offender or as a sexually violent predator.

This bill also would penalize escape from a state hospital or other public or private mental health facility when a person is committed as a mentally disordered offender or as a mentally disordered sex offender and would provide notification procedures to local law enforcement agencies upon escape by a person so committed. By expanding the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4536 of the Penal Code is
2 amended to read:

3 4536. (a) Every person committed to a state hospital
4 or other public or private mental health facility as a
5 mentally disordered sex offender, *mentally disordered*
6 *offender, or sexually violent predator, or who is confined*
7 *in a state hospital or other public or private mental health*
8 *facility awaiting judicial determination as a mentally*
9 *disordered sex offender, mentally disordered offender, or*
10 *sexually violent predator*, who escapes from or who
11 escapes while being conveyed to or from such state
12 hospital or other public or private mental health facility,
13 is punishable by imprisonment in the state prison or in the
14 county jail not to exceed one year. The term imposed
15 pursuant to this section shall be served consecutively to
16 any other sentence or commitment.

17 (b) The medical director or person in charge of a state
18 hospital or other public or private mental health facility
19 to which a person has been committed as a mentally
20 disordered sex offender, *mentally disordered offender, or*
21 *sexually violent predator, or who is confined in a state*
22 *hospital or other public or private mental health facility*
23 *awaiting judicial determination as a mentally disordered*
24 *sex offender, mentally disordered offender, or sexually*
25 *violent predator*, shall promptly notify the chief of police
26 of the city in which the hospital or facility is located, or the
27 sheriff of the county if the hospital or facility is located in
28 an unincorporated area, of the escape of the person, and
29 shall request the assistance of the chief of police or sheriff



1 in apprehending the person, and shall, within 48 hours of
2 the escape of the person, orally notify the court that made
3 the commitment, the prosecutor in the case, and the
4 Department of Justice of the escape.

5 SEC. 2. No reimbursement is required by this act
6 pursuant to Section 6 of Article XIII B of the California
7 Constitution because the only costs that may be incurred
8 by a local agency or school district will be incurred
9 because this act creates a new crime or infraction,
10 eliminates a crime or infraction, or changes the penalty
11 for a crime or infraction, within the meaning of Section
12 17556 of the Government Code, or changes the definition
13 of a crime within the meaning of Section 6 of Article
14 XIII B of the California Constitution.

